

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 13-00207 WHA

v.

RASHID ISLAM,

Defendant.

**ORDER RE DEFENDANT'S
MOTION FOR REDUCTION
OF SENTENCE UNDER
AMENDMENT 782**

On November 28, 2014, defendant Rashid Islam moved, *pro se*, for a reduction of his sentence under 18 U.S.C. 3582(c)(2) and Amendment 782 to the Sentencing Guidelines. On December 8, the United States Probation Office submitted its report, stating that defendant is not eligible for a lower sentence. On December 9, the government submitted its opposition to defendant's motion. The Federal Public Defender's office submitted a notice of non-intervention.

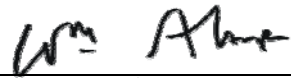
Amendment 782 to the United States Sentencing Guidelines, effective November 1, 2014, reduces the penalties for most drug offenses by reducing most offense levels. This amendment may be applied retroactively to reduce the sentences of previously sentenced inmates under 18 U.S.C. 3582(c)(2). Amendment 782 does not authorize, however, reductions in sentences to a term that is below the minimum of the amended guideline range, except in cases where the defendant provided substantial assistance to the government.

1 In 2013, defendant plead guilty to conspiracy to distribute a controlled substance, in
2 violation of 21 U.S.C. 846, which called for a guidelines sentence of 121–151 months. On
3 September 13, 2013, the Court sentenced defendant to a below guidelines sentence of 72 months.

4 Because defendant received a sentence below the guidelines range as amended by
5 Amendment 782, he is not eligible for a further reduction. The new guidelines provide for a
6 sentencing range of 97–121 months based on defendant’s crime and criminal history.
7 Defendant’s motion is thus **DENIED**.

8
9 **IT IS SO ORDERED.**

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11 Dated: January 12, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE